



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

DEC 05 2012

REPLY TO THE ATTENTION OF:

SC-5J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Corporation Service Company  
Registered Agent for Honeywell International Inc.  
2711 Centerville Road, Suite 400  
Wilmington, Delaware 19808

Re: Request for Information Pursuant to Section 104(e) of CERCLA regarding Beck's Lake  
Site located in South Bend, St. Joseph County, Indiana  
CERLIS ID#: IND980904379

Dear Registered Agent:

This letter seeks Honeywell International Inc.'s (Honeywell) cooperation in providing information and documents relating to the Beck's Lake Site in South Bend, St. Joseph County, Indiana (the Site). The Site is contaminated with hazardous substances that may present a threat to human health or the environment. The United States Environmental Protection Agency (EPA or Agency) is investigating the release, or threat of release, of hazardous substances, pollutants or contaminants at the Site. Historical aerial photos indicate that dumping occurred for over 40 years at the Site ending in the mid 1950s. Currently, EPA is identifying activities, materials, and parties that contributed to contamination at the Site.

This information request inquires into Bendix Corporation's (Bendix) generation, storage, treatment, transportation, and disposal of hazardous substances that have been, or threaten to be, released from the Site. Honeywell, as successor to Allied Signal Corporation (Allied Signal) is also a corporate successor of Bendix. In 1984, EPA received a 103(c) notification from Bendix, a manufacturing facility for the automotive/aerospace industry, which revealed that Bendix dumped hazardous substances at the Site. The notification listed the hazardous materials Bendix dumped at the Site (Enclosure 1).

Ultimately, EPA, or by agreement, responsible parties, will study the effects of these substances on the environment and public health and implement required response actions, as appropriate. EPA believes that Honeywell possesses information which may assist the Agency in its investigation of the Site. Enclosure 2 provides background and historical information concerning the Site and Enclosure 3 provides a map of the Site including, but not limited to, what is now known as LaSalle Park.

We make this request under Section 104(e) (2) CERCLA, which gives EPA the authority to assess the threats to human health and the environment posed by contaminated sites and to clean up those sites. Under CERCLA, EPA has information-gathering authority that allows the Agency to require persons and corporations to furnish information and documents. Enclosure 4 is a summary of the Agency's legal authority under CERCLA.

We encourage Honeywell to give this matter your immediate attention. Instructions to guide Honeywell in the preparation of the response are in Enclosure 5. Definitions of the terms used in this Information Request are provided in Enclosure 6. The Information Request itself is found at Enclosure 7. Honeywell is required under law to provide a complete and truthful response to this Information Request and its questions, as well as to provide all requested documents. We request that Honeywell respond to this Information Request and provide requested documentation within thirty (30) business days of your receipt of this letter.

Honeywell may consider the information that EPA is requesting confidential. Under CERCLA, Honeywell may not withhold information on that basis; but Honeywell may ask EPA to treat the information as confidential. To request that the Agency treat Honeywell's information as confidential, you must follow the procedures outlined in Enclosure 8, including the requirement that Honeywell support its claim for confidentiality.

Compliance with this Information Request is mandatory. CERCLA provides that failure to answer the questions fully and truthfully and within the prescribed time frame can result in an enforcement action and penalties. Other statutes provide that the submission of false, fictitious statements, or misrepresentations can result in sanctions.

EPA has the authority to use the information that it requests in an administrative, civil, or criminal action.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501 *et seq.*

Honeywell's response to the information request should be sent back to EPA within 30 business days of your receipt of this letter. The response should be sent to:

Deena Sheppard, Enforcement Specialist  
U.S. Environmental Protection Agency  
Remedial Enforcement Support Section  
77 West Jackson Boulevard, SE-5J  
Chicago, Illinois 60604-3590

If you have any legal questions, please call Mary Fulghum, Associate Regional Counsel, at (312) 886-4683, e-mail [fulghum.mary@epa.gov](mailto:fulghum.mary@epa.gov). If there are technical questions about this Site,

you may call Colleen Moynihan, Remedial Project Manager at (312) 353-8196, e-mail [moynihan.colleen@epa.gov](mailto:moynihan.colleen@epa.gov). Address all other questions to Deena Sheppard, Enforcement Specialist at (312) 886-7048, e-mail [sheppard.deena@epa.gov](mailto:sheppard.deena@epa.gov).

We appreciate your assistance and look forward to Honeywell's prompt response to this Information Request.

Sincerely yours,



Sharon Jaffess, Chief  
Enforcement and Compliance Assurance Branch

Enclosures

1. 1984 103(c) Notification
2. Site Background/History
3. Site Map
4. Legal Authority
5. Instructions
6. Definitions
7. Information Request
8. Confidential Business Information

cc: Ms. Kerry A. Dziubek  
Arnold & Porter LLP  
399 Park Avenue  
New York, NY 10022-4690

Enclosure 1

1984 103(c) NOTIFICATION

1. St. Joseph County Health Department letter to Mr. John R. Seitz dated March 28, 1984, with 103 (c) notification (5 pages).

ST. JOSEPH COUNTY HEALTH DEPARTMENT

COUNTY-CITY BUILDING - 8TH FLOOR

PHONE (219) 284-9750

SOUTH BEND, INDIANA 46601

JAMES E. BOWES, M.D., M.P.H.  
HEALTH OFFICER

March 28, 1984

Mr. James R. Seitz  
Superintendent  
Department of Public Works  
City of South Bend  
301 South St. Louis  
South Bend, Indiana 46617

Dear Mr. Seitz:

Subject: Property Described as 12.6 Acres in Section 10-37-2E  
(LaSalle Park), St. Joseph County, Indiana

As you know, Section 103(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (the Act) requires owners or operators of hazardous waste facilities, as defined in the Act, or transporters of hazardous substances to such facilities, to notify the Environmental Protection Agency (EPA) of the existence of facilities and the types of hazardous substances that were treated, stored or disposed of at the facilities.

The Bendix Corporation in South Bend, Indiana ("Bendix") has advised this Office that on the basis of information recently discovered by Bendix at some time during the past forty (40) years Bendix, together with numerous other companies and individuals, disposed of certain hazardous waste materials at the landfill site known as the Beck's Lake Landfill. Bendix is required under the Act to notify the EPA of the fact that the landfill was utilized as a disposal site for such hazardous substances even though the disposals were not unlawful when made and were made with the specific permission of the owner or operator at that time. Since Bendix is notifying the EPA, Bendix and this Office feel that you should be advised that the notification is being made.

To the extent that any assessment of the present conditions of the site will be necessary, Bendix has employed a nationally known environmental consultant, ERM-North Central, Inc. of Palatine, Illinois, to assist this Office in this effort.

We ask you to notify this Office of the names of any company or person other than Bendix who disposed of wastes at the above-identified site.

If you have any questions regarding this notice, please call this Office at 284-9721.

Very truly yours,

*Paul E. Frost*

Paul E. Frost  
Pollution Control Officer

# Notification of Hazardous Waste Site

## Side Two

### Waste Quantity:

Place an X in the appropriate boxes to indicate the facility types found at the site.

In the "total facility waste amount" space, give the estimated combined quantity (volume) of hazardous wastes at the site using cubic feet or gallons.

In the "total facility area" space, give the estimated area size which the facilities occupy using square feet or acres.

### Facility Type

1. ☐ Piles
2. ☐ Land Treatment
3. ☒ Landfill
4. ☐ Tanks
5. ☐ Impoundment
6. ☐ Underground Injection
7. ☐ Drums, Above Ground
8. ☐ Drums, Below Ground
9. ☐ Other (Specify) \_\_\_\_\_

### Total Facility Waste Amount

cubic feet unknown

gallons unknown

### Total Facility Area

square feet unknown

acres See Item I

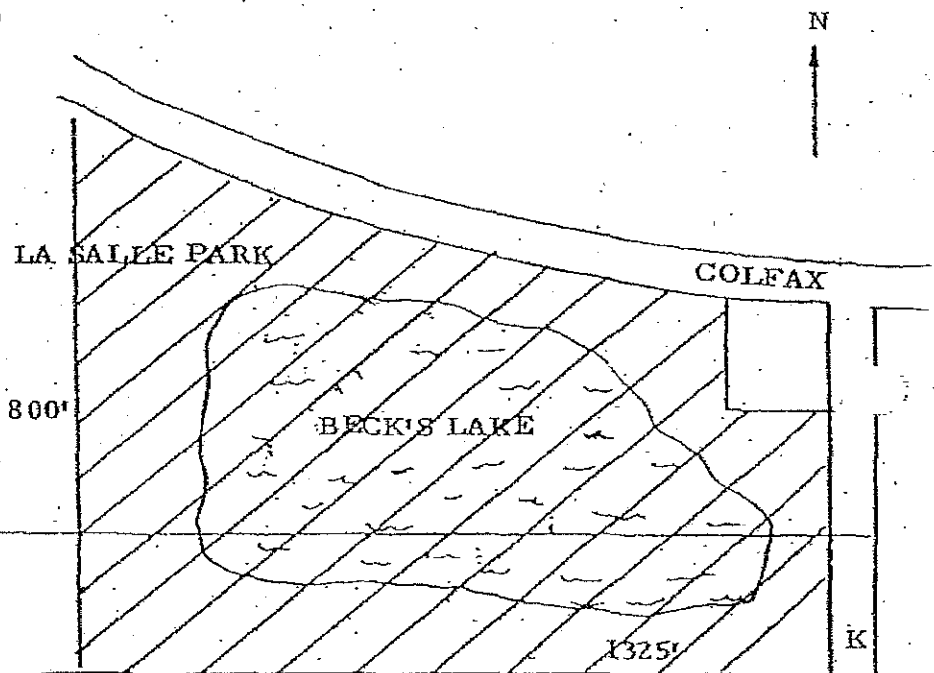
### I Known, Suspected or Likely Releases to the Environment:

Place an X in the appropriate boxes to indicate any known, suspected, Unknown ☐ Known ☐ Suspected ☐ Likely ☐ None or likely releases of wastes to the environment.

Note: Items Hand I are optional. Completing these items will assist EPA and State and local governments in locating and assessing hazardous waste sites. Although completing the items is not required, you are encouraged to do so.

### H Sketch Map of Site Location: (Optional)

Sketch a map showing streets, highways, routes or other prominent landmarks near the site. Place an X on the map to indicate the site location. Draw an arrow showing the direction north. You may substitute a publishing map showing the site location.



### I Description of Site: (Optional)

Describe the history and present conditions of the site. Give directions to the site and describe any nearby wells, springs, lakes, or housing. Include such information as how waste was disposed and where the waste came from. Provide any other information or comments which may help describe the site conditions.

- Site at some point within an area of approximately 15 acres.
- Site owned by the City of South Bend.
- Site area served by City Water System.

D	C	L	B	K
U	A	I	E	A
N	M	B	N	L
D	D	E	D	E
E	E	R	I	
	N	T	X	
		Y		

### J Signature and Title:

The person or authorized representative (such as plant managers, superintendents, trustees or attorneys) of persons required to notify must sign the form and provide a mailing address (if different than address in item A). For other persons providing notification, the signature is optional. Check the boxes which best describe the relationship to the site of the person required to notify. If you are not required to notify check "Other".

Name THE BENDIX CORPORATION  
 Street 401 Bendix Drive (P.O. Box 4001)  
 City South Bend State IN Zip Code 46620  
 Signature Gerald J. Budzin Date March 28, 1984  
 Manager of Environmental Control

- ☐ Owner, Present
- ☐ Owner, Past
- ☒ Transporter
- ☐ Operator, Present
- ☐ Operator, Past
- ☐ Other

# EPA Notification of Hazardous Waste Site

United States  
Environmental Protection  
Agency  
Washington DC 20460

This initial notification information is required by Section 103(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 and must be mailed by June 9, 1981.

Please type or print in ink. If you need additional space, use separate sheets of paper. Indicate the letter of the item which applies.

Site 15

## A Person Required to Notify:

Enter the name and address of the person or organization required to notify.

Name THE BENDIX CORPORATION  
Street 401 Bendix Drive (P.O. Box 4001)  
City South Bend State IN Zip Code 46620

## B Site Location:

Enter the common name (if known) and actual location of the site.

Name of Site "Beck's Lake Site"  
Street Colfax and Kaley Streets  
City South Bend County St. Joseph State IN Zip Code 46619

## C Person to Contact:

Enter the name, title (if applicable), and business telephone number of the person to contact regarding information submitted on this form.

Name (Last, First and Title) Budzin, Gerald J. - Manager of Environmental Control  
Phone (219) 237-5993

## D Dates of Waste Handling:

Enter the years that you estimate waste treatment, storage, or disposal began and ended at the site.

Used until mid 1950's.  
From (Year) To (Year)

## E Waste Type: Choose the option you prefer to complete

Option 1: Select general waste types and source categories. If you do not know the general waste types or sources, you are encouraged to describe the site in Item I—Description of Site.

### General Type of Waste:

Place an X in the appropriate boxes. The categories listed overlap. Check each applicable category.

### May have included:

1. ☒ Organics
2. ☒ Inorganics
3. ☒ Solvents
4. ☐ Pesticides
5. ☒ Heavy metals
6. ☒ Acids
7. ☒ Bases
8. ☐ PCBs
9. ☐ Mixed Municipal Waste
10. ☐ Unknown
11. ☒ Other (Specify)  
Asbestos

### Source of Waste:

Place an X in the appropriate boxes.

1. ☐ Mining
2. ☐ Construction
3. ☐ Textiles
4. ☐ Fertilizer
5. ☐ Paper/Printing
6. ☐ Leather Tanning
7. ☐ Iron/Steel Foundry
8. ☐ Chemical, General
9. ☒ Plating/Polishing
10. ☐ Military/Ammunition
11. ☐ Electrical Conductors
12. ☐ Transformers
13. ☐ Utility Companies
14. ☐ Sanitary/Refuse
15. ☐ Photofinish
16. ☐ Lab/Hospital
17. ☐ Unknown
18. ☒ Other (Specify)  
Automotive/Aerospace  
Manufacturing Facility  
SIC Code 3714, 3722 &  
3728

Option 2: This option is available to persons familiar with the Resource Conservation and Recovery Act (RCRA) Section 3001 regulations (40 CFR Part 261).

### Specific Type of Waste:

EPA has assigned a four-digit number to each hazardous waste listed in the regulations under Section 3001 of RCRA. Enter the appropriate four-digit number in the boxes provided. A copy of the list of hazardous wastes and codes can be obtained by contacting the EPA Region serving the State in which the site is located.




Bendix Corporation  
South Bend, Indiana

Waste streams as suggested from Division of Land Pollution Control files and waste hauler reports. (Quantities are based on 1979-1980 reports.)

Asbestos containing fire brick

Paint Wastes (VM + P Naptha, aliphatic hydrocarbon solvent, Methyl Isobutyl Ketone, Ethanol and Mineral Spirits)

Tie Bar Wastes

M.O.C.A. contaminated wastes (4,4-Methylene bis 2-Chloroaniline)

Raw M.O.C.A wastes (approximately 30 gal/yr)

Asbestos dust

Asbestos pellets

Asbestos

Soluble Oil and Water Mixture (approximately 10,000 gal/mo)

Hydroxide Sludge

Chromium Spray Booth Paint Wastes

Touch-up Paint Wastes

Salt Bath Salts (Chloride salts?)

Chromic Acid

Zinc Hydroxide/Calcium phosphate sludge

Lead Hydroxide/Lead sulfide sludge

Wastewater treatment sludge (approximately 300 tons/yr)

Iron/Zinc phosphate sludge

Heat Treating Salts

Chromic Acid contaminated fiberglass pit liner

Chromic anodic tank clean-out

Chrome plating tape

Nickel waste

T-Line cleanout

Stoddard Solvents

Foundry Sand (see below for analysis)

Cadmium hydroxide sludge

Ferro Cyanide and Cyanide wastes

Naptha

Bendix Corporation makes brakes, steering systems, brake components and streets for automobiles and airplanes. They notified on 17 sites, including their plant at 401 Bendix Drive, South Bend, Indiana. The other 16 properties are off-site and under private ownership. The site names, dates, and addresses are:

St. Joseph County Landfill, Jackson and Locust Roads, 1940-70

St. Joseph County Landfill, U.S. 31 and Ireland, 1969-1971

Dollar Lake Site, SR 23 and Mayflower Road, Early to mid 1960's

Area West of Bendix Oil Tank, Linden Avenue, 1940-1970

Beck's Lake Site, Colfax and Kaley Streets, until mid 1950's

Butternut Road Site, Butternut and Douglas Roads, 6 months in 1955-1960



Former City/County Landfill, Bendix Drive North of Lincolnway West, until early 1960's  
Fillmore Road North Site, Fillmore Road West of Mayflower, 1 to 1 1/2 years in mid 1950's  
Douglas Road Site, Douglas and Bendix Drive, 1960s to closure  
Linden Road Site, Linden and Chippewa Roads, 30 days, 1970's  
Pine Road Site, Pine and Fillmore Roads, mid 1960's  
Sample Street Lagoon Site, 3300 West Sample Street, 1956-1972  
Speeks Site, Bendix Drive and Douglas Road, mid 1960's thru early 1970's  
South Bend Avenue Site, South Bend and Twy Kenham Avenue, unknown  
Schuman Dump Site, Mayflower and Ireland Road, 1960-1970  
Western Avenue Site, Elmer, Huron, Hollywood and Ford, unknown  
All St. Joseph County-All South Bend

The Bendix Corporation has operated from approximately 1930 to the present time, although off-site disposal was halted sometime around 1973. The disposal dates are approximate in most cases and represent a "best effort" by the company prior to their filing in March of 1984.

Foundry Sand, (in ppm)

phenols, 1.2-to-4.6  
Naphthalene, .460-to-2.400  
Phenanthrene, .2  
Zinc, .43-38  
Selenium, .08  
Methylene Chloride, .012-to-9.2  
TCE, .039  
1,1,2,2-Tetrachlorethylene, .016  
Butylbenzylphthalate, .6-to-.270  
Arsenic, 17  
Cadmium, 1.0-to-.01  
Copper, 12  
Lead, 14  
Chromium, 6.7  
Nickel, 3.4  
Manganese, .053  
Bis (2-ethylhexyl) phthalate, .680-to-.220  
Toluene, .057  
Pentachlorophenol, .520  
1,3-Isobenzofurandione, 310

These numbers show some ranges resulting from many samplings at various dates. Note that cyanides, sulfates and chlorides were not run on these samples.

SB/sk

### 1976 Bendix Liquid Waste Removal Record

201,600 gallons emulsion  
60,070 gallons Trichlorethylene (TCE) sludge  
10,000 gallons Sodium Dichromate Waste  
3,300 gallons Laquer Thinner Waste  
1,500 gallons Copper Cyanide Stripper Waste  
15,200 gallons Chromic Acid Waste  
715 gallons Copper, Nickel and Cyanide Waste  
825 gallons Cadmium Cyanide Waste  
605 gallons methylene chloride  
214,000 pounds Triad Sludge (unknown components)  
33,225 gallons cyanide  
1,045 gallons methyl chloroform  
220 gallons Perchloroethylene  
3 Transformers  
3 Capacitors  
1,265 gallons PCB oil  
550 gallons PCB sludge  
1,040 cubic yards/yr foundry sand (\*see analysis other page in packet)

This is a tally of Bendix Corporation Liquid Waste Hauler reports for the year of 1976 to get an idea of wastes disposed of. This could be considered to be a representative sampling of the waste haulers reports and indicative of wastes possibly disposed of prior to 1973 or 1974 when their disposal practices were revised. Since many of the sites Bendix notified on fall into the period prior to 1973-4, this is a means to look at quantities and types of wastes possibly disposed of into off-site private and city/county facilities.

SB/sk

## Enclosure 2

### SITE BACKGROUND

The Beck's Lake Site is located in the vicinity of Washington and Falcon Street on the northwest side of South Bend, St. Joseph County, Indiana. Beck's Lake, an 8-acre lake, is part of LaSalle Park, a 40-acre park owned by the City of South Bend. The park is situated north of Washington Street, south of Linden Avenue, east of Falcon Street, and west of Kaley Street in Portage Township of South Bend. The property now known as Beck's Lake/LaSalle Park in South Bend, Indiana was once a dumping area. Historical aerial photos indicate that dumping occurred for over 40 years at the Site ending in the mid 1950s. From 1950s to the present this area has been turned into a park and some residential housing by the City of South Bend.

In 1984 the Site came to Indiana Department of Environmental Management (IDEM) attention when Bendix notified EPA of its activities in a 103(c) notification. Materials listed on the Bendix 103(c) notification included but were not limited to; asbestos, plating wastes, solvents, paint wastes, oils and sludges, and foundry sand that contained, among other contaminants, arsenic.

Following the Bendix 103(c) notification, a series of site inspections were conducted at Beck's Lake Site; a Preliminary Assessment in 1985, Site Inspection in 1989, and an expanded Site Inspection in 1996, resulting in a no further remedial action planned designation in 1996. In 2003, the Site investigation was reopened as result of the findings of a Brownfield Environmental Assessment. The findings of IDEM's reassessment revealed that arsenic levels in surface soils at the nearby neighborhood especially south and west of the site were elevated compared to the surrounding area. In 2009, an expanded Site Inspection Report 2, collected additional data to better characterize the soil exposure pathway for the Hazardous Ranking System, and to identify potential sources of the arsenic contamination in the LaSalle Park area. Elevated levels of arsenic among other heavy metals have been found in the soils present at the Site. Currently, Beck's Lake Site is not listed on the National Priorities List.

Enclosure 3

SITE MAP

**Site Location Map**  
**Beck's Lake**  
**EPA ID Number IND980904379**  
**South Bend, St. Joseph County**

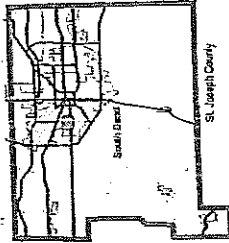


**Beck's Lake/LaSalle Park**

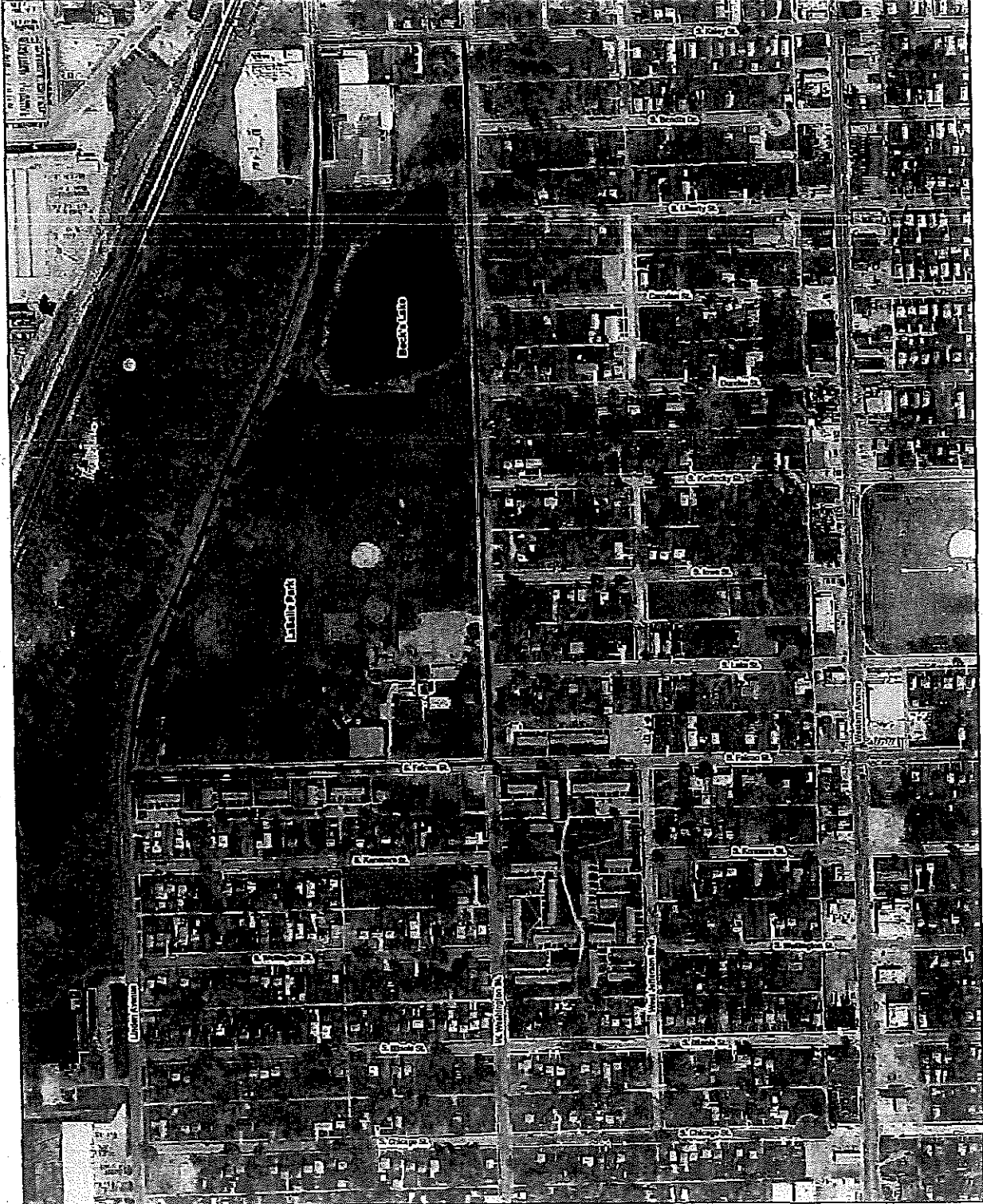


This map is based on data received from the Indiana Department of Environmental Protection (IDEP) and is not intended for use as a legal document. It is provided for informational purposes only. The map is not a substitute for a professional survey. The map is not a substitute for a professional survey. The map is not a substitute for a professional survey.

**Beck's Lake/LaSalle Park**  
 This map is based on data received from the Indiana Department of Environmental Protection (IDEP) and is not intended for use as a legal document. It is provided for informational purposes only. The map is not a substitute for a professional survey. The map is not a substitute for a professional survey. The map is not a substitute for a professional survey.



0 115 230 460 Feet  
 0 25 50 100 Miles



Enclosure 4

DESCRIPTION OF LEGAL AUTHORITY

The Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601, *et seq.*, as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), Pub. L. 99-499 100 Stat. 1613 (1986) (commonly referred to as CERCLA) gives EPA the authority to, among other things: 1) assess contaminated sites; 2) determine the threats to human health and the environment posed by each site; and 3) clean up those sites.

To enable EPA to conduct comprehensive investigations of sites, Section 104(e) (2) of CERCLA, 42 U.S.C. § 9604(e)(2), provides EPA with broad information gathering authority which allows EPA to require persons to furnish information or documents relating to:

- A. The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility, or transported to a vessel or facility;
- B. The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at/or from a vessel or facility;
- C. The ability to pay the costs of the clean-up.

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully to each question within this Information Request and within the prescribed time frame can result in an enforcement action by EPA pursuant to Section 104(e)(5) of CERCLA. This Section also authorizes an enforcement action with penalties if the recipient of the Request does not respond and does not justify the failure to respond. Other statutory provisions (18 U.S.C. § 1001) authorize separate penalties if the responses contain false, fictitious or fraudulent statements. The EPA has the authority to use the information requested in this Information Request in an administrative, civil or criminal action.

Enclosure 5

INSTRUCTIONS

1. Answer each of the questions in this Information Request separately.
2. Identify each answer with the number of the question to which it corresponds.
3. In answering each question, identify all persons and contributing sources of information and identify each person who assisted or was consulted in the preparation of the response to the question.
4. Although the EPA seeks your cooperation in this investigation, CERCLA requires that you respond fully and truthfully to this Information Request. False, fictitious, or fraudulent statements or misrepresentations may subject you to civil or criminal penalties under federal law. Section 104 of CERCLA, 42 U.S.C. § 9604, authorizes the EPA to pursue penalties for failure to comply with that Section, or for failure to respond adequately to requests for submissions of required information.
5. You must supplement your response to EPA if, after submission of your response, additional information should later become known or available. The supplemental response must be provided within a reasonable time but no longer than 20 days from the date that the information becomes known or available. Should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA as soon as possible.
6. For any document submitted in response to a question, indicate the number of the question to which it responds.
7. You must respond to each question based upon all information and documents in your possession or control, or in the possession or control of your current or former employees, agents, contractors, or attorneys. Information must be furnished regardless of whether or not it is based on your personal knowledge, and regardless of source.
8. Your response must be accompanied by the following statement, or one that is substantially equivalent:

I certify under penalty of law that this document and all enclosures were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted.

Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information

submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

The individual who prepared the response or the responsible corporate official acting on behalf of the corporation must sign and date the statement, affidavit, or certification. Include the full title of the individual who prepared the response or the corporate official signing the response.

9. If any of the requested documents have been transferred to others or have otherwise been disposed of, identify each document, the person to whom it was transferred, describe the circumstances surrounding the transfer or disposition, and state the date of the transfer or disposition.
10. All requested information must be provided notwithstanding its possible characterization as confidential information or trade secrets. If desired, you may assert a business confidentiality claim by means of the procedures described in Enclosure 8.



Enclosure 6

DEFINITIONS

The term *any*, as in *any documents* for example, shall mean "any and all."

The terms *document* and *documents* shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any computer disk, any information stored on a computer hard drive or memory tape or other type of memory generally associated with computers and data processing; and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document.

The term *facility* shall have the same definition as that contained in Section 101 (9) CERCLA including a) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (b) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

The term *hazardous material* shall mean any hazardous substances, pollutants or contaminants, and hazardous wastes, as defined below.

The terms *hazardous substance* shall have the same definition as that contained in Section 101(14) of CERCLA, including any mixtures of such hazardous substances with any other substances, including petroleum products.

The term *hazardous waste* shall have the same definition as that contained in Subsection 1004(5) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6903(5), and 40 C.F.R. Part 261.

The term *identify* means, with respect to a natural person, to set forth the person's full name, present or last known business address, and business telephone number; present or last known home address, and home telephone number; and present or last known job title, position, or business.

The term *identify* means, with respect to a corporation, partnership, business, trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.

The term *identify* means, with respect to a document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter. The term material shall mean any substance.

The term *material* or *materials* shall mean any objects, goods, substances, or matter of any kind, including scrap metal, batteries, scrap material, and electrical equipment, together with liquid or wastes contained therein.

The term *person* as used herein includes in the plural as well as the singular any natural person, firm, contractor, unincorporated association, partnership, corporation, trust or governmental entity, unless the context indicates otherwise. See Subsection 101(21) of CERCLA, 42 U.S.C. § 9601(21).

The terms *pollutant* or *contaminant* shall have the same definition as that contained in Section 101(33) of CERCLA, and includes any mixtures of such pollutants and contaminants with any other substances.

The term *Site* referenced in these documents shall mean the Beck's Lake Site/LaSalle Park facility located in the vicinity of Washington and Falcon Street on the northwest side of South Bend, St. Joseph County, Indiana (See Enclosure 3).

The term *release* shall have the same definition as that contained in Section 101(22) of CERCLA, and means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance, pollutant, or contaminant. The terms *you* or *your company* or *Respondent* refer not only to the addressee of this letter as it is currently named and constituted, but also to all predecessors and successors including Bendix (and all subsidiaries, divisions, affiliates, and branches) as well as all subsidiaries, divisions, affiliates, and branches of the addressee and its predecessors and successors.

All terms not defined herein will have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 C.F.R. Part 300, or 40 C.F.R. Parts 260-280, in which case, the statutory or regulatory definitions will apply.

Enclosure 7

QUESTIONS

1. Provide the following information about your company ("Respondent"):
  - a. The complete and correct legal name of your company.
  - b. The name(s) and address(es) of the President and the Chairman of the Board, or other presiding officer of the company.
  - c. The state of incorporation of the company and the company's agents for service.
  - d. The name(s) of all subsidiaries, affiliates, or parent companies to your company.
  - e. The state(s) of incorporation and agent(s) for service of process in the state(s) of incorporation.
  - f. The status of all subsidiaries, affiliates, or parent companies to your company including Bendix.
2. Describe and provide any documents relating to the financial arrangement between your company and the Beck's Lake Landfill facility.
3. Describe and provide any documents relating to the corporate relationship between your company and Bendix, or Bendix' successors, predecessors, subsidiaries or affiliates. If your company ever merged, owned, acquired or became a subsidiary of Bendix, its successors, predecessors, subsidiaries or affiliates, describe the past relationships including dates. State the names, telephone numbers and present or last known addresses of all individuals who you have reason to believe may have knowledge, information or documents regarding these mergers or acquisitions or by Bendix.
4. All persons, including you, who may have entered into an agreement or contract for the disposal, treatment or transportation of a hazardous substance at or to the Site. Please provide the persons' titles and departments/offices.
  - a. Persons or entities who received the hazardous substances from the persons described in Question 4 above. Please include their names, current addresses or last known address, and telephone numbers.
  - b. Any person with whom the persons described in Question 4 made such arrangements.
  - c. Every date when each person described in Question 4 made such arrangements.

- d. The steps you or other persons, including persons identified in Question 4 above took to reduce the spillage or leakage. Please identify any operational manuals or policies (e.g. a facility's spill control policy) which address the management of spills and leaks.
  - e. Any amount paid by you, or other persons referred to in Question 4 above in connection with each transaction for such arrangement, the method of payment, and the identity of the persons involved. Please provide any contacts, written agreements, or documentation reflecting the terms of the agreements.
  - f. Any amount of money received by you or other persons referred to in Question 4 above for the sale, transfer, or delivery of any material containing hazardous substances. If the material was repaired, refurbished, or reconditioned, how much money was paid for this service?
5. How long did you have a relationship with the Site owner(s) and/or operator(s) of the Site?
6. Describe in detail the types of material that you sent for disposal at the Site. In your response, please also give the generic name of each type of materials shipped to the Site.
- a. Identify whether any item of the materials that were delivered directly to the Site contained arsenic at a concentration in excess of 11.3 parts per million or any new standard promulgated pursuant to applicable federal laws.
  - b. State whether any of the material that you sent for disposal at the Site was ever tested by your company and if so, whether the substances exhibited any of the characteristics of a hazardous waste identified in 29 Indiana Administrative Code Article 3.1 or 40 C.F.R. § 261, Subpart C.
  - c. Describe what was done to materials once they were brought to the Site, including any further processing of the materials and how the hazardous substances typically were used, handled, or disposed of at the Site.
  - d. Provide any additional information and all documents that you believe are related to the type, nature and characteristics of the materials you sent to the Site.
  - e. List the years in which your company sent materials to the Site and/or its broker for disposal.
7. For each type of waste or material used in your operations, describe and provide documents relating to your contracts, agreements, or other arrangements for its disposal with the Site. At the time you transferred the hazardous substances, what do you intend to happen to the hazardous substances? Please provide any contracts, written agreements,

and/or other documentation reflecting the intention of the parties. If you do not have such documents and/or materials, please so state.

8. Provide names, addresses and telephone numbers of any individuals including former and current employees, who may be knowledgeable of facility operations and hazardous substances handling, storage and disposal practices.
9. Describe your company's role at the Site, including what duties your company had at the facility.
10. With respect to all transactions at the Site involving hazardous substances, at the time of the transaction, specify the measures you took to determine the actual means of treatment, disposal or other uses of hazardous substances. Provide information you had about the treatment and disposal practices at the Site. What assurances, if any, were you given by the owners/operators at the Site regarding the proper handling and ultimate disposition of the materials you sent there?
11. If not already provided in your response to a previous question, specify the dates and circumstances when your waste or material was taken to the Site, and identify the companies or individuals who brought your waste/material to the Site. Provide any documents which support or memorialize your response.
12. Did your company have any influence over waste disposal activities at the Site? If so, how?
13. What percentage of your total annual waste or materials went to the Site?
14. Was any shipment of material sent to the Site by Respondent ever refused and/or returned? If so, describe this event in detail, including its cause and outcome.
15. What efforts, if any, did you take to investigate the nature of the operations conducted at the Site and the environmental compliance of the Site prior to selling, transferring, delivering (e.g., for repair, consignment, or joint-venture), disposing of, trading, or arranging for the treatment, recycling, or disposal of any materials?
16. Identify (see Definitions) all federal offices to which you have sent or filed hazardous substance or hazardous waste information regarding your company's facilities and operations in St. Joseph County, Indiana.
17. State the years during which such information was sent/filed regarding your company's facilities in St. Joseph County, Indiana.
18. Identify (see Definitions) all state offices to which Respondent has sent or filed hazardous substance or hazardous waste information regarding your company's facilities and operations in St. Joseph County, Indiana.

19. State the years during which such information was sent/filed.
20. List all federal and state environmental laws and regulations under which you, on behalf of Bendix, its subsidiaries, affiliates, predecessor and successors, have reported to federal or state governments regarding your company's facilities and operations in St. Joseph County, Indiana, including but not limited to: Toxic Substances Control Act, 15 U.S.C. Sections 2601 et seq., (TSCA); Emergency Planning and Community Right-to-Know Act, 42 U.S.C. Sections 1101 et seq., (EPCRA); and the Clean Water Act (the Water Pollution Prevention and Control Act), 33 U.S.C. Sections 1251 et seq.
21. Identify the federal and state offices to which such information was sent.
22. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.
23. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. For each and every question contained herein, if information or documents responsive to this Information Request are not in your possession, custody or control, then identify the persons from whom such information or documents may be obtained. If the records were destroyed, provide us with the following:
  - a. the document retention policy(ies) beginning in 1920 to present;
  - b. a description of how the records were destroyed (burned, trashed, etc.) and the approximate date of destruction;
  - c. a description of the type of information that would have been contained in the documents;
  - d. the name, job title and most current address known by you of the person(s) who would have produced these documents, the person(s) who would have been responsible for the retention of these documents; the person(s) who would have been responsible for the destruction of these documents; and the person(s) who had and/or still may have the originals or copies of these documents; and
  - e. the names and most current address of any person(s) who may possess documents relevant to this inquiry.

24. Provide copies of all your casualty, liability and/or pollution insurance policies, and any other insurance contracts related to or that may apply to your company's facilities, business operations, and/or liabilities of Bendix, Allied Signal and Honeywell in St. Joseph County, Indiana (including, but not limited to, General Liability, Environmental Impairment Liability, Pollution Legal Liability, Cleanup Cost Cap or Stop Loss Policies, Institutional Controls and Post Remediation Care Insurance) that provide liability insurance for damage to third party property.
25. To the extent not provided in Question 24 above, provide copies of all your insurance policies that may provide your company with insurance for bodily injury, property damage and/or environmental contamination that may apply to or relate in any way to your company's facilities, business operations and/or liabilities in St. Joseph County, Indiana. Include, without limitation, all comprehensive general liability, primary, excess, and umbrella policies.
26. To the extent not identified in Questions 24 or 25 above, provide all other evidence of casualty, liability and/or pollution insurance issued to your company that may apply to or relate in any way to your company's facilities, business operations and/or liabilities in St. Joseph County, Indiana.
27. If there are any such policies from Questions 24, 25, or 26 of which you are aware but you neither possess copies, nor are able to obtain copies, identify each such policy to the best of your ability by identifying:
- a. Each insurer and of the insured;
  - b. Each type of policy and policy numbers;
  - c. The per occurrence and aggregate policy limits of each policy; and
  - d. The effective dates for each policy.
  - e. The issuing insurance company.
  - f. The issuing insurance broker.
28. With respect to your company's business facilities or operations, identify all insurance brokers or agents who placed insurance for your company at any time since 1920 that may apply to or relate in any way to your company's facilities, business operations and/or liabilities in St. Joseph County, Indiana, and identify the time period during which such broker or agent acted on behalf of your company. Identify by name and title, if known, individuals at the agency or brokerage most familiar with your company's pollution and/or liability insurance program and the current whereabouts of each individual.

29. Identify all previous settlements by your company (or predecessors) with any insurer which relates in any way to environmental liabilities and/or to the policies referenced in Questions 24-28 above, including:
- a. The date of the settlement;
  - b. The scope of release provided under such settlement;
  - c. The amount of money paid by the insurer pursuant to such settlement.
  - d. Provide copies of all such settlement agreements.
30. Identify all communications and provide all documents that evidence, refer, or relate to claims made by or on behalf of such company under any insurance policy referenced in Questions 24-28 above. Include any responses, including claim determinations such as denial letter, reservation of rights letters and agreements to provide defense, from the insurer with respect to any claims.
31. Identify any and all insurance, accounts paid or accounting files that identify your company's insurance policies that may have applied to or related to facilities, business operations and/or liabilities of Bendix, Allied Signal and/or Honeywell in St. Joseph County, Indiana. Provide copies of all such insurance policies.
32. List all named insured on property, pollution and/or casualty liability insurance providing coverage to your company that may be related to or apply to your company's facilities, operations and/or liabilities of Bendix, Allied Signal and/or Honeywell in St. Joseph County, Indiana, and the date such named insured appeared on each policy.
33. Identify any person or organization requiring evidence of your company's casualty, liability and/or pollution insurance that may be related to or apply to your company's facilities, operations and/or liabilities of Bendix, Allied Signal and/or Honeywell in St. Joseph County, Indiana, including the nature of the insurance requirement and the years when the evidence was required.
34. Identify your company's policy with respect to document retention.

Please provide copies of financial statements, reports, or projections prepared by, for, or on behalf of your company during the past four years. Your answer should include, but not be limited to, all those filed with the Securities and Exchange Commission, state agencies, and all financial institutions such as banks.



Enclosure 8

CONFIDENTIAL BUSINESS INFORMATION

You may consider some of the information confidential that the U.S. Environmental Protection Agency (EPA or Agency) is requesting. You cannot withhold information or records upon that basis. The Regulations at 40 C.F.R. Part 2, Section 200 *et seq.* require that the EPA affords you the opportunity to substantiate your claim of confidentiality before the Agency makes a final determination on the confidentiality of the information.

You may assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by the EPA only to the extent and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. (See 41 Federal Register 36902 *et seq.* (September 1, 1976); 43 Federal Register 4000 *et seq.* (December 18, 1985).) If no such claim accompanies the information when the EPA receives it, the information may be made available to the public by the Agency without further notice to you. Please read carefully these cited regulations, together with the standards set forth in Section 104(e)(7) of Comprehensive Environmental Response Compensation Liability Act (CERCLA); because as stated in Section 104(e)(7) (ii), certain categories of information are not properly the subject of a claim of confidential business information.

If you wish the EPA to treat the information or record as "confidential," you must advise the EPA of that fact by following the procedures described below, including the requirement for supporting your claim of confidentiality. To assert a claim of confidentiality, you must specify which portions of the information or documents you consider confidential. Please identify the information or document that you consider confidential by page, paragraph, and sentence. You must make a separate assertion of confidentiality for each response and each document that you consider confidential. Submit the portion of the response that you consider confidential in a separate, sealed envelope. Mark the envelope "confidential," and identify the number of the question to which it is the response.

For each assertion of confidentiality, identify:

1. The period of time for which you request that the Agency consider the information confidential, e.g., until a specific date or until the occurrence of a specific event;
2. The measures that you have taken to guard against disclosure of the information to others;
3. The extent to which the information has already been disclosed to others and the precautions that you have taken to ensure that no further disclosure occurs;
4. Whether the EPA or other federal agency has made pertinent determination on the confidentiality of the information or document. If an agency has made such a determination, enclose a copy of that determination;

5. Whether disclosure of the information or document would be likely to result in substantial harmful effects to your competitive position. If you believe such harm would result from any disclosure, explain the nature of the harmful effects, why the harm should be viewed as substantial, and the causal relationship between disclosure and the harmful effect. Include a description of how a competitor would use the information; and
6. Whether you assert that the information is voluntarily submitted as defined by 40 C.F.R. § 2.201(i). If you make this assertion, explain how the disclosure would tend to lessen the ability of the EPA to obtain similar information in the future; and
7. Any other information that you deem relevant to a determination of confidentiality.

Please note that pursuant to 40 C.F.R. § 2.208(e), the burden of substantiating confidentiality rests with you. The EPA will give little or no weight to conclusory allegations. If you believe that facts and documents necessary to substantiate confidentiality are themselves confidential, please identify them as such so that the EPA may maintain their confidentiality pursuant to 40 C.F.R. § 2.205(c). If you do not identify this information and documents as "confidential," your comments will be available to the public without further notice to you.